

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2732 of 2005

Between:

Md. Kareemuddin S/o. RajMohammad,
APSRTC, Jangoan Bus Depot, Warangal District.

..... PETITIONER

AND

The Regional Manager, APSRTC, Warangal Region at Warangal.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent in deleting the name of the petitioner from approved/selected candidates list of Driver Post is bad, arbitrary, illegal, unjust, unreasonable and against the principles of natural justice by setting aside the final order No. P2/255(29)/2001 RM WL dt. 5-10-2002 and consequently direct the respondents to reinstate the petitioner into service forthwith and pass such other order or orders.

Counsel for the Petitioner:MR.P.VENKATESWAR RAO

Counsel for the Respondent No.: SMT.P.RAJANI REDDY

The Court at the admission stage made the following O R D E R:

The petitioner contends that he was appointed as a driver in the respondent-Corporation in pursuance of the notification. Thereafter, by order dated 16.02.2000, he was posted to Hanumakonda Bus Depot. He further contends that during the period of strike, the petitioner was directed to report to duty, but due to lack of information he did not report to duty. The respondent through impugned order dated 05.10.2001 directed the petitioner to report to duty on or before 15.10.2001 for engaging him as Daily Wage Driver. Since the petitioner failed to report to duty to engage him as a daily wage driver, his name was deleted from the selection list. The petitioner, therefore, approached this Court through this writ petition, seeking a direction to the respondents to restore his name in the list of selected candidates and reinstate him into service.

It is an undisputed fact that the petitioner was selected on the basis of regular selection. His services were being utilized as a casual driver as and when required. Under the similar circumstances, a Division Bench of this Court gave a judgment on 29.08.2003 in Writ Appeal No.1259 of 2003 upholding the order of the learned Single Judge who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board. In the present case also, if the Corporation comes to a conclusion that non reporting to duty, amounts to dereliction of duty, the Corporation is at liberty to initiate action against the petitioner and after a detailed inquiry, may pass appropriate orders according to Rules, but, without giving any opportunity, removing the name of the petitioner from the list of selected candidates is against the principles of natural justice. The action of the respondents in removing the name of the petitioner from the list of selected candidates is arbitrary. Therefore, such action is liable to be corrected by directing the respondents to restore the name of the petitioner to the selection list.

In the light of the above circumstances, the action of the respondents in deleting the name of the petitioner from the list of selected candidates is quashed. The respondent is directed to restore the name of the petitioner into the list of selected candidates and continue to engage him as he used to be engaged previously till an action, if any, taken by the respondents for the absence of the petitioner in response to the notice and the punishment, if any, going to be imposed.

With the above observation, the writ petition is allowed. No order as to costs.

17.02.2005

usd

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. 2 CD copies
- 2) The Regional Manager, APSRTC, Warangal Region at Warangal.

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